



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation on September 14, 2004

**NOTICE OF ACTION TAKEN -- DOCKETS OST-2002-12503**

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This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

1. Application of **FLORIDA WEST INTERNATIONAL AIRLINES, INC. (Florida West)**, filed **9/9/04** for:

**XX** Waiver of startup deadline in Order 2004-3-16 for U.S.-Ecuador all-cargo services

2. Application of **ATLAS AIR, INC. (Atlas Air)**, filed **9/10/04** for:

**XX** Waiver of startup deadline in Order 2004-3-16 for U.S.-Ecuador all-cargo services

**Background:**

By Order 2004-3-16, the Department, among other things: (1) granted to Florida West five available frequencies to conduct scheduled U.S.-Ecuador all-cargo air transportation services; and (2) granted to Atlas Air six available frequencies to conduct scheduled U.S.-Ecuador all-cargo air transportation services. These awards were subject to the condition that the carriers commence service with the frequencies no later than June 14, 2004. By Notice of Action Taken dated June 14, 2004, in the above-captioned docket, the Department granted the requests of Atlas Air and Florida West to extend the startup deadline for the subject U.S.-Ecuador all-cargo frequencies through September 15, 2004.

**Applications for Waivers of the Startup Condition:**

On September 9, 2004, Florida West filed an application in the captioned docket for a waiver of the startup condition imposed by Order 2004-3-16, and asked that the startup deadline be extended for an additional period through December 1, 2004. Florida West states that, although it has diligently pursued its request with the Ecuadorian Consejo Nacional de Aviación Civil (CNAC) for the requisite authority to provide the services proposed, it has not yet received such authority. Florida West explains that the CNAC has scheduled a hearing on September 22 to consider Florida West's permit. The carrier states that, while it hopes to receive the subject authority before December 1, it requests an extension to that date to avoid burdening the Department's staff with requests for a series of short-term waivers, should the process take longer than expected. (Applicant rep.: Marshall S. Sinick (202)626-6651 DOT Analyst: Thuy H. Cooper (202)366-5423)

On September 10, 2004, Atlas Air filed an application in the captioned docket for a waiver of the startup condition imposed by Order 2004-3-16, and asked that the startup period be extended for an additional period through December 1, 2004. Atlas Air states that, although it has worked diligently with the Ecuadorian Dirección General de Aviación Civil (CNAC), to obtain the requisite authority to provide the services proposed, it has not yet received such authority. Atlas Air explains that it has submitted all of the required documentation and has obtained the final report of the CNAC necessary for the issuance of the subject Ecuadorian authority. Atlas Air states, however, that the CNAC must now schedule a public hearing to consider Atlas Air's application. Atlas Air states that it has been advised by its attorney in Ecuador that this process could take an additional 60-75 days. (Applicant rep.: Russell E. Pommer (202)822-9121 DOT Analyst: Thuy H. Cooper (202)366-5423)

**Answers/Responsive Pleadings:**

No party opposed the requests of Florida West or Atlas Air in this matter.

**Disposition:**

We grant the applications filed by Florida West and Atlas Air for waivers of the startup deadline imposed by Order 2004-3-16 in the *2002 U.S.-Ecuador All-Cargo Service* Case, and amend, through December 1, 2004, the startup deadline for the frequencies allocated to Florida West and Atlas Air in this matter.<sup>1</sup>

In taking this action, we found that grant of the requested waivers was in the public interest in the circumstances presented; namely, that both of the carriers have indicated on the record that they are diligently working to obtain the requisite Ecuadorian Government authority, and that no party opposed their respective waiver requests here.

The above action was effective when taken: **September 14, 2004.**

**XX Action taken by: Paul L. Gretch, Director  
Office of International Aviation**

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Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy, and (2) grant of the request(s) was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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*[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

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<sup>1</sup> Florida West's and Atlas Air's extension of the startup deadline is effective through December 1, 2004, or until the date on which Florida West or Atlas Air begins service with each of their allocated U.S.-Ecuador frequencies, whichever occurs earlier. As to any frequency with which Florida West or Atlas Air does not begin service by December 1, 2004, the allocation with respect to that frequency will expire automatically.